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DATE MAILED: 11/07/2006

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/812,573	03/29/2004	Mark Thomas	6488P008	3693
8791	7590 11/07/2006	·	EXAMINER	
BLAKELY SOKOLOFF TAYLOR & ZAFMAN			NEILS, PEGGY A	
12400 WILSHIRE BOULEVARD SEVENTH FLOOR LOS ANGELES, CA 90025-1030			ART UNIT	PAPER NUMBER
			2875	

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)		
10/812,573	THOMAS ET AL.		
Examiner	Art Unit		
Peggy A. Neils	2875		

	reggy A. Nells	20/5	
The MAILING DATE of this communication appe	ars on the cover sheet with the d	orrespondence add	ress
THE REPLY FILED <u>16 October 2006</u> FAILS TO PLACE THIS A	APPLICATION IN CONDITION FO	R ALLOWANCE.	
1. The reply was filed after a final rejection, but prior to or or this application, applicant must timely file one of the follo places the application in condition for allowance; (2) a No. (3) a Request for Continued Examination (RCE) in complete following time periods:	n the same day as filing a Notice o wing replies: (1) an amendment, a otice of Appeal (with appeal fee) in	f Appeal. To avoid ab ffidavit, or other evide compliance with 37 (ence, which CFR 41.31; or
a) The period for reply expires 3 months from the mailing date of	the final rejection.	•	
b) The period for reply expires on: (1) the mailing date of this Advievent, however, will the statutory period for reply expire later that Examiner Note: If box 1 is checked, check either box (a) or (b). MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f)	sory Action, or (2) the date set forth in th an SIX MONTHS from the mailing date o ONLY CHECK BOX (b) WHEN THE F	f the final rejection.	
Extensions of time may be obtained under 37 CFR 1.136(a). The date on peen filed is the date for purposes of determining the period of extension a CFR 1.17(a) is calculated from: (1) the expiration date of the shortened stabove, if checked. Any reply received by the Office later than three months earned patent term adjustment. See 37 CFR 1.704(b).	which the petition under 37 CFR 1.136(a nd the corresponding amount of the fee. tutory period for reply originally set in the	The appropriate extension final Office action; or (2)	on fee under 37 as set forth in (b)
2. The Notice of Appeal was filed on A brief in composition of filing the Notice of Appeal (37 CFR 41.37(a)), or any expression of Since a Notice of Appeal has been filed, any reply must be AMENDMENTS	xtension thereof (37 CFR 41.37(e)), to avoid dismissal d	of the appeal.
3. X The proposed amendment(s) filed after a final rejection,	but prior to the date of filing a brie	f will not be entered	hecause
(a) ☐ They raise new issues that would require further co (b) ☐ They raise the issue of new matter (see NOTE belo (c) ☑ They are not deemed to place the application in bet	nsideration and/or search (see NC w);	TE below);	
appeal; and/or	ter form for appear by materially is	eddollig or olliplinging	, 1110 100000 101
(d) They present additional claims without canceling a	corresponding number of finally re	ejected claims.	
NOTE: <u>see attached explanation</u> . (See 37 CFR 1.		•	
4. The amendments are not in compliance with 37 CFR 1.1		ompliant Amendment	(PTOL-324).
5. Applicant's reply has overcome the following rejection(s			,
 Newly proposed or amended claim(s) would be a the non-allowable claim(s). 	llowable if submitted in a separate		
7. For purposes of appeal, the proposed amendment(s): a) how the new or amended claims would be rejected is pro The status of the claim(s) is (or will be) as follows:	☐ will not be entered, or b) ☐ w vided below or appended.	vill be entered and an	explanation of
Claim(s) allowed:			
Claim(s) objected to: <u>11</u> .			
Claim(s) rejected: <u>1-10,12-22 and 64-73</u> . Claim(s) withdrawn from consideration:			•
AFFIDAVIT OR OTHER EVIDENCE			
B. The affidavit or other evidence filed after a final action, because applicant failed to provide a showing of good an and was not earlier presented. See 37 CFR 1.116(e).	ut before or on the date of filing a l id sufficient reasons why the affida	Notice of Appeal will <u>reserved</u> wit or other evidence	not be entered is necessary
9. The affidavit or other evidence filed after the date of filing entered because the affidavit or other evidence failed to showing a good and sufficient reasons why it is necessar	overcome <u>all</u> rejections under appe y and was not earlier presented.	eal and/or appellant fa See 37 CFR 41.33(d)	ails to provide a (1).
10. The affidavit or other evidence is entered. An explanation	on of the status of the claims after	entry is below or atta	ched.
REQUEST FOR RECONSIDERATION/OTHER		e e e	
11. The request for reconsideration has been considered by	it does NOT place the application	in condition for allowa	ance because:
12. Note the attached Information Disclosure Statement(s).	(PTO/SB/08) Paper No(s).		
13.		Stylen Hus Elephen Hus Primary Exam	ear iner
		F HIRATY EXCITE	11 103

Application/Control Number: 10/812,573

Art Unit: 2875

Advisory Action

Applicant's amendment after final and request for reconsideration filed Oct.

16, 2006 is not being entered because the response does not put the application in condition for allowance nor does it reduce the issues for appeal.

Hung 2003/0202356 as shown in Figures 1 and 2 shows openings 121 for the light emitting elements 4 which emit light along spokes 12 of wheel 1. The disclosure states that light is transmitted optically along the spokes. While the light may travel within the spokes due to optically conductive material it also travels along surface as the outer surface of the spokes is provided with possibly the grooves, 122, flanges 123, coarse areas124 or holes 125 as shown in Figures 4-7. This first embodiment does not show an opening in the spokes themselves only opening 121 which positions the light emitting elements.

Any inquiry concerning this communication or earlier communications should be directed to Examiner Neils at (571) 272-2377 on a Monday or Thursday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378.

Stephen Husar Primary Examiner

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